THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11507 of 2006

03-07-2006

Between:-

Pulikam Annapurnamma and two others.

Petitioners

And

The Assistant Commissioner, Endowments Department, Ongole, Prakasam district and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11507 of 2006

Oral order:

The petitioners are the legal heirs of one P. Narsa Reddy, the husband of the 1st petitioner and father of 2nd and 3rd petitioners. P. Narsa Reddy died on 11-06-2005. During his life time, P. Narsa Reddy was a cultivating tenant of the lands belonging to the Sri Sitharamaswami Temple, Korsipadu village and mandal, Prakasam district. He was also declared a landless poor person in the proceedings dated 26-12-2003 of the 1st respondent. P. Narsa Reddy however and during his life time did not exercise an option under Section 82 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') to purchase the subject lands. Therefore he continued as a tenant and on

his death, the tenancy also came to an end. The petitioners are not the cultivating tenants of the temple lands. Therefore, they are not entitled to any of the benefits under Section 82 of the Act.

The petitioners have filed this writ petition assailing the auction conducted by the respondent Nos. 1 to 3 on 26-05-2006 for grant of leasehold rights of the lands of the Temple. It is also pleaded in paragraph No.5 of the affidavit filed in support of the writ petition that the son of the 1st petitioner participated in the auction and was unsuccessful. It is also admitted that the 4th respondent became the highest bidder in the auction and was granted the leasehold rights of the lands in question.

In the circumstances above, as the petitioners are not entitled to resist their eviction from the lands in question in which they are in un-authorized occupation on account of the death of P. Narsa Reddy and as a consequence of their disentitlement to any of the benefits under Section 82 of the Act, no relief could be granted in the writ petition. There are no merits. The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:03-07-2006

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